

# OPEN MEETING ITEM

COMMISSIONERS  
GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS



ARIZONA CORPORATION COMMISSION

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2011 FEB -9 P 2:06

DATE: FEBRUARY 9, 2011

DOCKET NOS.: W-02065A-07-0306, W-02065A-07-0307, W-02065A-07-0312  
and W-02065A-08-0138

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern. The recommendation has been filed in the form of an Order on:

WILHOIT WATER COMPANY, INC., THUNDERBIRD MEADOWS SYSTEM  
(EXTENSION OF TIME DEADLINE CONTAINED  
IN DECISION NO. 71234)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

FEBRUARY 18, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MARCH 1, 2011 and MARCH 2, 2011

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission  
**DOCKETED**

FEB 9 2011

DOCKETED BY	<i>ASB</i>
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ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE, Chairman  
4 BOB STUMP  
5 SANDRA D. KENNEDY  
6 PAUL NEWMAN  
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF  
9 WILHOIT WATER COMPANY, INC.,  
10 THUNDERBIRD MEADOWS SYSTEM, FOR  
11 RETROACTIVE APPROVAL OF A FINANCING  
12 APPLICATION.

DOCKET NO. W-02065A-07-0306

13 IN THE MATTER OF THE APPLICATION OF  
14 WILHOIT WATER COMPANY, INC.,  
15 THUNDERBIRD MEADOWS SYSTEM, FOR  
16 APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-02065A-07-0307

17 IN THE MATTER OF THE APPLICATION OF  
18 WILHOIT WATER COMPANY, INC.,  
19 THUNDERBIRD MEADOWS SYSTEM, FOR  
20 APPROVAL OF A PERMANENT RATE  
21 INCREASE

DOCKET NO. W-02065A-07-0312

22 IN THE MATTER OF THE APPLICATION OF  
23 WILHOIT WATER COMPANY, INC.,  
24 THUNDERBIRD MEADOWS SYSTEM, FOR  
25 THE APPROVAL OF A FINANCING  
26 APPLICATION.<sup>1</sup>

DOCKET NO. W-02065A-08-0138

DECISION NO. \_\_\_\_\_

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 71234**

27 Open Meeting  
28 March 1 and 2, 2011  
Phoenix, Arizona

**BY THE COMMISSION:**

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On August 6, 2009, the Arizona Corporation Commission ("Commission") issued

<sup>1</sup> On February 4, 2009, this Docket was closed administratively.

1 Decision No. 71234 which approved the application of Wilhoit Water Company, Inc. ("Company" or  
2 "Applicant") on behalf of its Thunderbird Meadows System ("Thunderbird") for a rate increase and  
3 for financing approval to fund the costs for additional storage facilities.

4         2.       The Commission's approval of the Company's applications herein were conditioned  
5 upon the Company filing within 13 months of the effective date of the Decision in this proceeding  
6 (September 6, 2010), with the Commission's Docket Control, as a compliance item in this docket, a  
7 monitored record of its system showing the number of gallons pumped and sold to determine the non-  
8 account water for one full year. The Decision also contained a number of other conditions to be met  
9 by the Company, some of which were subsequently amended.<sup>2</sup>

10       3.       On October 26, 2010, the Company filed a Motion for an Extension of Time  
11 ("Motion"), until February 28, 2011, for approval by the Commission to file the gallonage data which  
12 was to have been filed by September 6, 2010. The Company explained that it did not have well meter  
13 readings until January 2010 and would not have the data to provide the necessary information until  
14 January 2011.

15       4.       On January 28, 2011, the Commission's Utilities Division ("Staff") filed a Staff  
16 Memorandum in response to the Motion in which Staff recommended approval of an extension until  
17 February 28, 2011, in order for the Company to file the gallonage data concerning its well meter  
18 readings for the gallons of water which were pumped and sold during the 2010 calendar year.

19       5.       Staff stated that it had recently contacted Mr. Jim West, the Company's consultant, to  
20 discuss the Company's request for an extension of time to file the gallons pumped and sold and non-  
21 account water data. Mr. West confirmed that the Company does not have the early well meter  
22 readings prior to January 2010, but expects to have the information for 12 months from January 2010  
23 through December 2010 in order to meet the requested extension date of February 28, 2011.

24       6.       Staff concluded that the Company merely committed an oversight resulting in the

25       <sup>2</sup>       On March 17, 2010, the Commission issued Decision No. 71515 approving extensions of time for the Company  
26 to file copies of the Arizona Department of Environmental Quality's ("ADEQ") Approval to Construct ("ATC") by  
December 31, 2010, and the Approval of Construction ("AOC") by May 1, 2011.

27       On September 28, 2010, the Commission issued Decision No. 71905 approving the implementation of the  
Company's surcharge mechanism.

28       On December 10, 2010, the Commission issued Decision No. 72006 approving an amendment to increase the  
amount of approved financing by \$14,123 for a total of \$160,000.

delay which is unavoidable, and is recommending approval of the Motion.

7. Staff states that it does not object to the Company's failure to meet the compliance requirement of Decision No. 71234 to file its monitoring report on the gallons pumped and sold and the non-account water usage due to the Company's failure to record this data prior to January 2010. However, Staff states that no further extensions should be approved.

8. Under the circumstances, the Company should be granted an extension of time until February 28, 2011, in which to file the water monitoring report, which shows the gallons pumped and sold and non-account water usage for the 2010 calendar year.

## CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-250 and 40-251.

2. The Commission has jurisdiction over Applicant and of the subject matter of the extension request addressed herein.

3. The Company's Motion for the extension of time to file the Company's water monitoring report until February 28, 2011, should be granted.

## ORDER

IT IS THEREFORE ORDERED that the Wilhoit Water Company, Inc. on behalf of its Thunderbird Meadows System shall be granted an extension of time until February 28, 2011, to file its water monitoring report for water pumped and sold and non-account water as required by Decision No. 71234.

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1 IT IS FURTHER ORDERED that the Wilhoit Water Company, Inc. on behalf of its  
2 Thunderbird Meadows System shall be granted no further extensions in this matter, absent good  
3 cause shown.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
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8 CHAIRMAN

COMMISSIONER

9  
10 COMMISSIONER

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
12 Executive Director of the Arizona Corporation Commission,  
13 have hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

16 \_\_\_\_\_  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

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18 DISSENT \_\_\_\_\_

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20 DISSENT \_\_\_\_\_  
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1 SERVICE LIST FOR:

WILHOIT WATER COMPANY, INC.,  
THUNDERBIRD MEADOWS SYSTEM

2  
3 DOCKET NOS.:

W-02065A-07-0306, W-02065A-07-0307,  
W-02065A-07-0312 and W-02065A-08-0138

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